

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

v.

GREGORY COLBURN, et al.,

Defendants.

Cr. No. 19-10080-NMG

**DEFENDANTS' MOTION FOR HEARING ON ASSERTION OF
FIFTH AMENDMENT RIGHTS**

Defendants Gamal Abdelaziz and John Wilson respectfully request that the Court hold a brief Zoom hearing (including an *ex parte* voir dire) so that witnesses Ron Orr and Steven Lopes can assert their Fifth Amendment rights for the record and the Court can inquire whether they have valid Fifth Amendment concerns. The undersigned previously sought a pre-trial Zoom hearing on this issue with respect to witnesses Orr, Lopes, and Scott Jacobson, which the Court denied without prejudice. Defendants have released Mr. Jacobson from the subpoena. Now that the Defense case is at hand, the Defendants respectfully suggest that now is the time to hold the hearing for Messrs. Orr and Lopes. As a courtesy to the Messrs. Orr and Lopes (who live in California), the undersigned respectfully request that the Court hold the brief hearing by Zoom so that they do not need to travel across the country for this limited purpose. The undersigned have consulted with the government on this issue, which takes no position. The undersigned have also consulted with counsel for Messrs. Orr and Lopes, who oppose any further hearing or litigation on this issue but request that, if a hearing is ordered, that it be held by Zoom.

Dated: September 26, 2021

Respectfully submitted,

/s/ Brian T. Kelly

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was filed electronically on September 26, 2021, and thereby delivered by electronic means to all registered participants as identified on the Notice of Electronic Filing.

/s/ Joshua C. Sharp

Joshua C. Sharp